

Serial No. 10/647,468
Docket No. 2002-249352US
UDA.022

REMARKS

An excess claim fee payment letter with payment of the Patent and Trademark Office fee for two (2) excess independent claims and two (2) excess total claims was submitted with the Amendment Under 37 C.F.R. §1.111 filed May 9, 2005, and so no fee is due at this time.

The Notice of Non-Compliant Amendment states that each claim has not been provided with the proper status identifier. On reviewing the claims, it was found that although claim 12 had been amended, it was inadvertently designated "Previously presented." This has been corrected above. The undersigned attorney apologizes for this error.

Claims 1, 3, 5, 6, 8-10, 12-17, and 19-29 are presently pending in the application. Claims 1, 3, 5, 10, 12, 17, and 19 have been amended to more particularly define the invention. Claims 23-29 have been added to assure Applicant the degree of protection to which his invention entitles him. Claims 2, 4, 7, 11, and 18 have been cancelled in the interest of expediting prosecution.

Claims 1-3, 10 and 13-14 were rejected under 35 U.S.C. §102(b) as being anticipated by McNeill et al., U.S. Patent No. 6,150,872. Claims 1 and 10 were rejected under 35 U.S.C. §102(b) as being anticipated by Tokuda, U.S. Patent No. 5,994,887. Claims 2-3 and 13-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tokuda, and further in view of Oda, U.S. Patent No. 6,011,429. Claims 8 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tokuda. Claims 5-6, 9, 17, 20 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tokuda in view of Oda.

Applicant gratefully acknowledges the indication that claims 4, 7, 11-12, 15, 18-19 and 21 would be allowable if rewritten in independent form.

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Independent claim 1 has been amended to incorporate the subject matter of its dependent claim 2 and its further dependent allowable claim 4, and claims 2 and 4 have been canceled. Thus, claim 1 and its dependent claims 3, and 8 are allowable.

Independent claim 5 has been amended to incorporate the subject matter of its allowable dependent claim 7, and claim 7 has been canceled. Therefore, claim 5, and its dependent claims 6, and 9 are allowable.

Independent claim 10 has been amended to incorporate the subject matter of its allowable dependent claim 11, and claim 11 has been canceled. Consequently, claim 10 and its dependent claims 13-16 are allowable.

Allowable dependent claim 12 has been amended to independent form, and so claim 12 and its new dependent claims 23-26 are allowable.

Independent claim 17 has been amended to incorporate the subject matter of its allowable dependent claim 18, and claim 18 has been canceled. Therefore, claim 17 and its dependent claims 20-22 are allowable.

Allowable dependent claim 19 has been amended to independent form, and so claim 19 and its new dependent claims 27-29 are allowable.

In view of the foregoing, Applicant submits that claims 1, 3, 5, 6, 8-10, 12-17, and 19-29, all the claims presently pending in the application, are patentably distinct over the prior art of record and are allowable, and that the application is in condition for allowance. Such action would be appreciated.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number

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listed below to discuss any other changes deemed necessary for allowance in a telephonic or personal interview.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR §1.136. The Commissioner is authorized to charge any deficiency in fees, including


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extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account

No. 50-0481.

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Respectfully Submitted,


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